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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

ROGER A. BERGMANN
State Bar No. 733
A Professional Corporation
4947 W. Lakeridge Terrace Lane
Reno, Nevada 89509

Attorney for Chad Blanchard, Water Master

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

* * * * *

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

IN EQUITY

3:73-CV-0003-LDG

ORR WATER DITCH COMPANY, et al.,

Defendant.

**ORDER APPROVING WATER MASTER'S BUDGET FOR
2019-2020; CREATING AN ASSESSMENT TO REPLENISH
THE FUND HERETOFORE ESTABLISHED TO PAY THE
EXPENSE OF CONDUCTING THE WATER MASTER'S
OFFICE; CREATING A SPECIAL ASSESSMENT TO
CONTINUE THE FUND HERETOFORE ESTABLISHED TO
PAY THE EXPENSE OF SPECIAL ADMINISTRATION
OF STEAMBOAT AND UPPER STEAMBOAT, GALENA,
AND WASHOE CREEKS, AND THE WASHOE LAKE RESERVOIR;
APPORTIONING THE COSTS THEREOF AND PROVIDING THE
MANNER AND METHOD FOR COLLECTION THEREOF; CONTINUING
OPERATION OF PROSSER AND STAMPEDE RESERVOIRS;
AND APPROVING THE WATER MASTER'S
ADMINISTRATION OF THE DECREE FOR 2018-2019**

BE IT REMEMBERED that the petition of CHAD BLANCHARD,
Water Master appointed herein to administer the Final Decree
entered on September 8, 1944, asking that an assessment be
created to replenish the fund heretofore established to pay

1 the expenses of conducting the office of the Water Master, and
2 a special assessment be created to replenish the fund
3 heretofore established to pay the expense of his special
4 administration of Steamboat or Galena Creek, Washoe Creek or
5 Upper Steamboat Creek, and the Washoe Lake Reservoir, and
6 approving the Water Master's administration of the Decree for
7 2018-2019, and approving the filing of an audit for 2019-2020,
8 by January 15, 2021, and for such other action as might seem
9 meet and proper in the premises, filed with the Clerk of this
10 Court, having come on for hearing this date pursuant to proper
11 notice, and all parties having the opportunity to be heard on
12 objections filed, and good cause appearing,

15 **NOW, THEREFORE, IT IS HEREBY ORDERED:**

16 1. That the estimated general budget for the period
17 from October 1, 2019 to September 30, 2020, submitted by the
18 Water Master as part of his petition, is hereby approved.

19 2. That in order to provide a means for the payment of
20 further expense of conducting the Office of the Water Master,
21 particularly for the period from October 1, 2019 to September
22 30, 2020, there is hereby created an assessment in the sum of
23 FOUR HUNDRED EIGHTY-NINE THOUSAND DOLLARS (\$489,000.00) to
24 replenish the fund heretofore established, and that the same
25 be, and hereby is apportioned to be paid and borne as provided
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1 in the Final Decree, to wit:

2 One-third by the United States of America,
3 one-third by the Truckee Meadows Water Authority,
4 and the remaining one-third by the remaining
5 persons or corporations whose rights are
6 adjudicated by this Decree.
7

8 3. That the Truckee-Carson Irrigation District and the
9 Bureau of Indian Affairs of the United States Department of
10 the Interior be, and they hereby are, ordered and directed to
11 pay the Office of the Water Master in this case, as their
12 apportioned one-third assessment, the sum of ONE HUNDRED
13 SIXTY-THREE THOUSAND DOLLARS (\$163,000.00); that NINETY-TWO
14 and ONE-HALF PERCENT (92-1/2%) of said amount, being the sum
15 of ONE HUNDRED FIFTY THOUSAND SEVEN HUNDRED SEVENTY-FIVE
16 DOLLARS (\$150,775.00), is to be borne by the Truckee-Carson
17 Irrigation District for Newlands project lands, and SEVEN and
18 ONE-HALF PERCENT (7-1/2%) of said amount, being the sum of
19 TWELVE THOUSAND TWO HUNDRED TWENTY-FIVE DOLLARS (\$12,225.00),
20 is to be borne by the Bureau of Indian Affairs of the United
21 States Department of the Interior for Pyramid Indian lands,
22 such assessment to be paid on or before April 30, 2020.
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24 4. That defendant, Truckee Meadows Water Authority, be,
25 and it is hereby ordered and directed to pay the Office of the
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1 Water Master in this case, as its apportioned one-third of the
2 assessments, the sum of ONE HUNDRED SIXTY-THREE THOUSAND
3 DOLLARS (\$163,000.00), the assessment to be paid on or before
4 April 30, 2020.
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6 5. That the "remaining persons or corporations whose
7 rights are adjudicated by this Decree, or their successors in
8 interest", be, and they hereby are, ordered and directed to
9 pay as their apportioned one-third of the assessment, the
10 total sum of ONE HUNDRED SIXTY-THREE THOUSAND DOLLARS
11 (\$163,000.00), payable as more specifically hereinafter set
12 forth.
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14 6. That Washoe County Water Conservation District be,
15 and it hereby is, directed to levy and collect prorata
16 assessments from the remaining persons or corporations whose
17 rights were adjudicated by this Decree and whose lands are
18 within the boundaries of the Washoe County Water Conservation
19 District in the amount of SIXTY-FIVE PERCENT (65%) of their
20 apportioned one-third shares of the total assessments provided
21 for in this Decree, being the sum of ONE HUNDRED FIVE THOUSAND
22 NINE HUNDRED FIFTY DOLLARS (\$105,950.00); that Washoe County
23 Water Conservation District be, and it hereby is, directed to
24 allocate said sum among its members as aforesaid, according to
25 a schedule of charges based upon acreage, including minimum
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1 charges applicable to fractional acreage, which schedule shall
2 be subject to the approval of the Water Master, and that the
3 Washoe County Water Conservation District shall pay the
4 aforesaid sums collected by such District for the Water Master
5 on or before April 30, 2020.

7 7. That the remaining persons or corporations whose
8 rights were adjudicated by this Decree and whose lands are
9 outside of the boundaries of the Washoe County Water
10 Conservation District be, and hereby are, ordered and directed
11 to pay THIRTY-FIVE PERCENT (35%) of their apportioned one-
12 third share of the total assessments provided for in this
13 Decree, being the sum of FIFTY-SEVEN THOUSAND FIFTY DOLLARS
14 (\$57,050.00); that the Water Master, CHAD BLANCHARD, be, and
15 hereby is, directed to collect such sums as aforesaid
16 according to a schedule of charges, which charges shall be
17 paid to the Water Master on or before April 30, 2020, as
18 follows: The minimum assessment of NINETEEN DOLLARS AND ZERO
19 CENTS (\$19.00) against those parties owning fifty (50) acre-
20 feet or less; against those parties owning more than fifty (50)
21 acre-feet, the sum of FORTY CENTS (\$.40) for each acre-foot.

25 8. That the Water Master, CHAD BLANCHARD, be, and
26 hereby is, directed to continue to maintain as part of the
27 Water Master's fund, a separate bank account known as the
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1 "Excess Payment Account" heretofore established pursuant to an
2 order of this Court, only as to the assessments collected from
3 the remaining persons or corporations whose lands are outside
4 the boundaries of the Washoe County Water Conservation
5 District, and who are responsible for THIRTY-FIVE PERCENT (35%)
6 of their apportioned one-third share of the total assessments
7 provided for in this Decree, and that any excess sums which
8 are collected and deposited in said account shall be held in
9 such account, and subject to disbursement only as may be
10 directed from time to time by this Court.
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13 9. That the Water Master's estimated excess payments
14 account budget for the period from October 1, 2019 to
15 September 30, 2020, submitted by the Water Master as part of
16 his Petition herein, is hereby approved.
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18 10. That the Water Master's report and audit for the
19 fiscal year ending September 30, 2019, filed with the court,
20 is hereby approved as filed.

21 11. That the Water Master is granted authority to
22 continue the additional duties of supplying hydraulic data and
23 assisting in the coordination of the operation of the Prosser
24 Creek and Stampede Reservoirs in the State of California
25 pursuant to a request therefore made by the Bureau of
26 Reclamation of the United States Department of the Interior,
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1 his services in that connection to be compensated for at a sum
2 not to exceed ONE HUNDRED SIXTY-SIX THOUSAND DOLLARS
3 (\$166,000.00) per year; that the Prosser Creek and Stampede
4 Reservoirs' operation budget for the period from October 1,
5 2019 to September 30, 2020, submitted by the Water Master, is
6 hereby approved.
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8 12. That all monies collected from the Bureau of
9 Reclamation of the United States Department of the Interior
10 pursuant to this Order shall be deposited by the Water Master
11 in a special fund of the Water Master's Office.
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13 13. That the Water Master shall file an annual audit and
14 report for the period ending on September 30, 2020 by a
15 certified public accountant on or before January 15, 2021.
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17 14. That the Budget submitted by the Water Master, as an
18 Exhibit "B" (Special Fund) to his petition, as the necessary
19 expenses to be incurred by the Water Master in administering
20 the provisions of the Final Decree relating to Steamboat or
21 Galena Creek, Washoe Creek or Upper Steamboat Creek, and the
22 Washoe Lake Reservoir from October 1, 2019 to September 30,
23 2020 is hereby approved.
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25 15. That in order to provide a means for the payment of
26 the additional necessary expenses to be incurred by the Water
27 Master in administering the provisions of the Final Decree
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1 relating to Steamboat or Galena Creek, Washoe Creek or Upper
2 Steamboat Creek, and the Washoe Lake Reservoir for the period
3 from October 1, 2019 to September 30, 2020, there are hereby
4 created special assessments in the total sum of TWENTY
5 THOUSAND FIVE HUNDRED DOLLARS (\$20,500.00), more or less, as
6 shown in the Special Assessment Roll on the records of the
7 Water Master, to continue the fund heretofore established on
8 July 27, 1962, by an Order of this Court for special
9 administration.
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12 16. That the water users named in the Special Assessment
13 Roll on the records of the Water Master, be, and they hereby
14 are, ordered and directed to pay the office of the Water
15 Master the sums of money specified as their share of such
16 special assessments in such Special Assessment Roll on or
17 before April 30, 2020.
18

19 17. That all monies collected as such Special
20 Assessments, pursuant to this order, shall be deposited by the
21 Water Master in a special fund of the Water Master's office.
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23 18. That the Water Master shall continue to operate the
24 reservoirs of Boca and Lake Tahoe.

25 19. That each and all of the various assessments and
26 special assessments above stated and apportioned to the
27 various parties hereto are hereby adjudged to the extent of
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1 the various assessments and special assessments to be a charge
2 and obligation taxable and payable as costs in this action,
3 the same as if entered in a judgment or decree, and to be and
4 remain until paid, a first lien against all right, title, and
5 interest of the above-named defendants, intervenors, parties
6 or persons, and their predecessors and successors in interest,
7 in the lands, ditches, water and water rights and works owned
8 or claimed by them, or as shown, appearing, mentioned or
9 described in the findings or in the papers in this case.
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12 20. That if any of the sums so assessed, apportioned and
13 allowed remain unpaid thirty (30) days after the date
14 mentioned for the payment thereof, attachments for contempt
15 may issue against the party or parties failing to make any
16 payments so ordered to be made, and execution may issue for
17 the recovery, satisfaction, or obtaining of payment thereof
18 against the parties, intervenors or persons liable for the
19 payment thereof as above allowed, together with a reasonable
20 late payment fee, and against their right, title and interest
21 in the lands, ditches, water and water rights and works, and
22 other property, whether conveyed after the commencement of
23 this suit or not; and the same may be seized and sold to pay
24 and satisfy such amount so allowed and remaining unpaid,
25 together with costs, and a reasonable late payment fee not
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1 less that TEN DOLLARS (\$10.00), the same as in cases of
2 foreclosure of mortgage and liens, or upon judgment in
3 ordinary actions at law or in equity, and the Water Master is
4 hereby authorized and empowered to shut off the water of any
5 party failing to make any payments assessed against him or her,
6 or his or her water rights, at the time or times at which the
7 same should be made, such water to remain shut off until such
8 time as any such payments shall be made, and the costs of
9 shutting off such water shall be assessed against any such
10 party.
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13 21. That the Water Master, CHAD BLANCHARD, be, and
14 hereby is, directed to continue in effect the surety bond in
15 the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) heretofore
16 provided pursuant to his order of appointment for the faithful
17 performance of his duties as custodian of such funds and the
18 property that may be in his care.
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20 22. That the operation and administration of the Water
21 Master's Office in administering the provisions of the Final
22 Decree for the period from October 1, 2018 to September 30,
23 2019, is hereby approved.
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25 23. That the parties in interest must notify the Office
26 of the Water Master when title to a water right is changed,
27 and that the Water Master shall not be required to deliver
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1 water to any new owner unless written notice of such change is
2 received by the Water Master's Office.
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4 24. That the Water Master is directed to create a funded
5 account pursuant to existing Personnel and Benefits Policy to
6 cover the cost of continuing health insurance on qualified
7 personnel, upon their retirement, and that the cost shall be
8 included in the Water Master's Budget each year until such
9 time as the earned benefit is exhausted.
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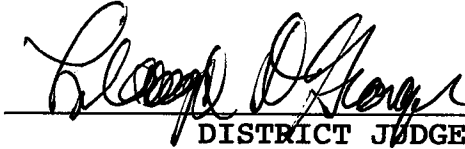
11 25. That the operation and administration of the Truckee
12 River Operating Agreement for the period from October 1, 2018
13 to September 30, 2019, is hereby approved.

14 26. That the Clerk of this Court give notice of the
15 required payments to be made by each water user by providing a
16 copy of this Order and the Notice annexed hereto to each of
17 the attorney's appearing of record for the Plaintiff and
18 sundry Defendants in this cause within five (5) days of the
19 entry of this Order; the Water Master is further directed to
20 give such notice to the parties hereto and their successors
21 and assigns by publishing a copy of the Notice annexed hereto
22 in the Reno Gazette-Journal once a week for two (2) successive
23 weeks.
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26 This Order is made subject to such further orders as the
27 Court may deem proper to make hereafter regarding this Order
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1 for the compensation or expenses of the Water Master and his
2 assistants or the payment thereof.
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5 DATED this 7th day of April 2020.

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8 DISTRICT JUDGE
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